



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

July 10, 2019

**BY ECF**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square  
Thurgood Marshall U.S. Courthouse  
New York, New York 10007

**Re: *United States v. Gary Davis, a/k/a "Libertas,"* 13 Cr. 950 (JMF)**

Dear Judge Furman:

Yesterday, the Court issued an Order rescheduling sentencing in the above-captioned case from Tuesday, July 23, 2019 at 3:30 p.m., to Thursday, July 25, 2019 at 4:00 p.m. (Dkt. 101). The parties respectfully submit this letter to request that, if possible, the Court move the sentencing proceeding to earlier in the afternoon on July 25—as early as the Court's schedule permits. The primary reason for this request is that one of Mr. Davis's two lead defense attorneys, Brian Klein, Esq., has a previously scheduled sentencing the next morning in federal court in Milwaukee; if Mr. Davis's sentencing proceeds (as currently scheduled) at 4:00 p.m., Mr. Klein may need to leave during the proceeding in order to board his flight. The ancillary reason for this request is that the undersigned has a previously scheduled court conference at the same time (July 25 at 4:00 p.m.), but is free the rest of the day. Thus, all parties are available earlier in the afternoon on July 25.

However, if the parties' joint request is incompatible with the Court's schedule, then the parties are (of course) prepared to appear on July 25, 2019 at 4:00 p.m., with the caveat that, unfortunately, Mr. Klein may need to leave during the sentencing proceeding. (For avoidance of doubt, the defense does *not* wish to reschedule sentencing for the following week, as (1) Mr. Davis's other lead defense attorney, Marc Agnifilo, Esq., begins an approximately 12-week trial the following week (July 29), and (2) the defendant's family returns to Europe during that week.)

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

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cc: Defense Counsel (via ECF)